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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,992	11/20/2003	Marko Torvinen	NOKM.075PA	8141
7590	08/16/2006		EXAMINER	
Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425			LE, DANH C	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/717,992	TORVINEN, MARKO	
	Examiner DANH C. LE	Art Unit 2617	

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 June 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 6-21 is/are rejected.
- 7) Claim(s) 4 and 5 is/are objected to.
- 8) Claim(s) 22-30 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1-10, 14, 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bar-On (US 2003/0096628).**

As to claim 1, Bar-On teaches a method of conducting location based group sessions within a cell based network (figure 1, 2), comprising:

defining a region of interest using a mobile terminal, the region of interest being used as a group session area;

defining criteria using a mobile terminal, the criteria being used to determine minimum capabilities required of group attendees (paragraph 066);

identifying potential group attendees whose location is within the group session area and whose capabilities meet the criteria; and

inviting the potential group attendees to join the location based group session.

As to claim 2, Bar-On inherently teaches the method according to Claim 1, wherein defining the region of interest comprises using a cell definition of the cell based network as the boundaries of the group session area (figure 1).

As to claim 3, Bar-On teaches the method according to Claim 1, wherein defining the region of interest comprises using a proximity connection to define the boundaries of the group session area (figure 1, 2).

As to claim 6, Bar-On teaches the method according to Claim 1, wherein identifying potential group attendees whose location is within the group session area (figure 3) comprises:

submitting the region of interest to a location server;

receiving location updates associated with the potential group attendees from the location server; and

identifying the potential group attendees whose location lies within the region of interest.

As to claim 7, Bar-On teaches the method according to Claim 1, further comprising receiving acceptance responses from ones of the potential group attendees to join the location based group session (paragraph 060-062, 067).

As to claim 8, Bar-On teaches the method according to Claim 7, wherein the accepting ones of the potential group attendees is attached to the location based group session (paragraph 062-076).

As to claim 9, Bar-On teaches the method according to Claim 8, wherein attaching to the location based group session comprises:

sharing content (paragraph 0041) between the mobile terminal and the accepting ones of the potential group attendees; and

monitoring the location of the mobile terminal and the accepting ones of the potential group attendees to insure continued conformance to the group session area.

As to claim 10, Bar-On teaches the group hosting system (figure 1, 2), comprising:

an organization terminal (154) wirelessly coupled to the group hosting system to define group member criteria for a location based group session;

a plurality of mobile terminals (158-168) wirelessly coupled to the group hosting system; and

a group management server (192) coupled to the group hosting system, the group management server adapted to compare location information and capability information associated with each of the plurality of mobile terminals to the group member criteria, wherein one of the plurality of mobile terminals that comply with the group member criteria are invited to join the location based group session.

As to claim 14, Bar-on inherently teaches a mobile terminal capable of being-wirelessly coupled to a network which includes a group of mobile terminals capable of being-wirelessly coupled to the network, the mobile terminal comprising:

a memory capable of storing at least one of a group session creation module and a group session management module;

a processor coupled to the memory and configured by the group session creation module to enable a group criteria definition, including a location criterion and a terminal capability criterion (paragraph 074, location criteria is the service area 184 and terminal criteria capability by reference of the user operating a calling MS 154 frequently selects

service area) to be used in pre-qualifying ones of the group of mobile terminals to participate in a group; and

a transceiver configured to facilitate content exchange with participating mobile terminals, the participating mobile terminals being selected from the pre-qualified ones of the group of mobile terminals.

As to claim 16, the claim is a computer software claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 17, Bar-On teaches the computer-readable medium according to Claim 16, further comprising instructions to perform steps comprising exchanging data with the participating terminals during a predefined time duration of location based group sessions (paragraph 0059, 0063).

As to claim 18, Bar-On teaches the computer-readable medium according to Claim 16, further comprising instructions to perform steps comprising receiving messages associated with the location of the participating terminals (paragraph 0060-0062).

As to claim 19, Bar-On teaches an application server coupled to a network to facilitate a location based group service, the application server (figure 1, 102) comprising:

means for receiving group service definitions including a terminal criteria paragraph 074, location criteria is the service area 184 and terminal criteria capability by reference of the user operating a calling MS 154 frequently selects service area) from an organizing terminal wirelessly coupled to the application server;

means for communicating the group service definitions to network components; and

means for inviting qualifying terminals to join the location based service, the qualifying terminals having previously met the group service definitions as verified by the network components.

As to claim 20, Bar-On teaches an application server according to Claim 19, further comprising means for exchanging content with the organizing terminal and ones of the qualifying terminals having accepted the invitation to join the location based service (figure 1, 2).

As to claim 21, the claim is a computer soft ware of claim 19; therefore, the claim is interpreted and rejected as set forth as claim 19.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

#### **2. Claims 11-13, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-On in view of Gailey (US 2005/0221812).**

As to claims 11-13, Bar-On teaches the group hosting system according to Claim 10, comprising a group call management server adapted to maintain location information associated with the plurality of mobile terminals. Bar-On fails to teach a location and application server coupled to provide the location information to the group

management server, wherein the application server is further coupled to receive content from the organization terminal and is adapted to share the content with ones of the plurality of mobile terminals having accepted the invitation to join the location based group session. Gailey teaches a location and application server (figure 1, 28, 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gailey into the system of Bar-On in order to receive and to share the content with ones of the plurality of mobile terminals having accepted the invitation to join the location based group session.

As to claims 15, the combination of Bar-On and Gailey teaches the mobile terminal according to Claim 14, wherein the transceiver is further configured to exchange the group criteria definition with an application server.

### ***Response to Arguments***

Applicant's arguments filed 6/7/06 have been fully considered but they are not persuasive.

In page 10, paragraph 1, the Applicant argues that there is no teaching in Bar-on that a terminal capability criterion is used in the information of a group of mobile terminal as is recited in claims 1, 10, 14, 16, 19, 21.

In response, the examiner believes that Bar-on that a terminal capability criterion is used in the information of a group of mobile terminal as is recited in claims 1, 10, 14, 16, 19, 21 on paragraph 074 by user operating calling device 154 frequently selects service area 184, and exclude service area 180, 182 from its group call, then the service

management system 192 may recommend connection to service area 184, on future group calls which the user operating calling device 154 initiates.

Claims 4 and 5 are objected due to Bar-on does not teach recited limitations.

***Allowable Subject Matter***

Claims 4, 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 4, 5, the teaching of prior arts either alone or in combination fails to teach **further comprising** selecting a datum point from a display of surrounding area relative to the mobile terminal and defining a circumference relative to the datum point to define the group session area or selecting a datum point associated with a landmark and defining a circumference relative to the landmark to define the group session area.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

A. Hendrey et al (US 2002/0111173) teaches method and system for automatically initiating a telecommunications connection based on distance.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Danh

August 11, 2006.

DANH CONG LE  
PRIMARY EXAMINER